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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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AUG 31 1994

In the Matter of)
)
Amendment of Part 13 of the)
Commission's Rules to Provide)
Temporary Conditional Operating)
Authority for Commercial Radio)
Operator License Applicants)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PR Docket No. 94-58

To: The Commission

COMMENTS
OF THE
NATIONAL ASSOCIATION OF BUSINESS
AND EDUCATIONAL RADIO, INC.

The National Association of Business and Educational Radio, Inc. ("NABER"), by its attorneys, in response to the *Notice of Proposed Rule Making ("NPRM")*, FCC 94-169 (released July 6, 1994), herewith submits its Comments in the above-referenced proceeding.

I. Background

Founded in 1965, NABER is a national, non-profit trade association headquartered in Alexandria, Virginia. NABER is committed to protecting, serving and leading members of the mobile communications industry in their endeavors to effectively and efficiently provide communications support to the U.S. business community. NABER represents businesses of all sizes from all facets of the industry through its six specially focused membership sections: Association for Private

Carrier Paging ("APCP"), Specialized Mobile Radio Alliance ("SMRA"), Association of Wireless Systems Integrators ("AWSI"), Site Owners and Managers Association ("SOMA"), Association of Communications Technicians ("ACT") and the User Section. NABER also represents industry suppliers such as manufacturers, and administers the industry's technician certification program.

Since 1993, NABER has been a Commission-certified Commercial Operator License Examination Manager ("COLE Manager"). NABER has established FCC Commercial Radio Operator License Test Locations throughout the United States and Puerto Rico, and has administered approximately 77 FCC exams./¹ NABER is proud of its efforts to serve the public in this manner.

II. The Notice of Proposed Rule Making

By virtue of the NPRM, the Commission is proposing to amend its Rules to permit persons who have passed the required Commercial Radio Operator License examinations to perform their operator duties on a temporary and conditional basis while they await receipt of their actual license. As the NPRM indicates, many of these license applicants often need their

¹ NABER expects to administer significantly more COLE applications in the next twelve months. Due to a clerical error by the Commission, NABER's current COLE address was not correctly published in the Commission's latest COLE Manager Public Notice. It is our understanding that this will be corrected shortly.

licenses as a condition of employment. The proposed Rules amendment would permit many people to commence work immediately once they have been informed of their passing test score by their receipt of a Proof-of-Passing Certificate ("PPC").

III. NABER Supports Commission's Proposal

NABER unequivocally supports the Commission's proposal in this proceeding. As the Commission forges ahead in implementing and regulating the "Information Superhighway," steps must be taken to modernize the Commission's Rules to today's fast paced ever-changing communications environment.

As the NPRM recognizes, there is precedence for the temporary conditional operating authority proposed herein. For example, during the past decade, Part 90 applicants have enjoyed the benefits of temporary conditional licensing. This has not only relieved pressure on those members of the Commission's staff that process Part 90 licenses, but also has resulted in virtually no adverse effects. NABER has no record of even a single interference problem that is attributable to any Part 90 licensee operating under a valid temporary license. Also, temporary conditional licensing is already permitted in the Citizens Band Radio Service and the Maritime Services.

III. Section 13.9(d) Requires Clarification

NABER recognizes that there are many persons who have recently passed a Commercial Radio Operator License examination and hold a PPC that could also benefit from receiving temporary conditional operating authority until the FCC grants them a license. Accordingly, NABER agrees with the intent of proposed changes to Section 13.9(d) of the Rules whereby current PPC holders would be subject to an "amnesty" period to apply for temporary conditional operating authority. However, the proposed amended rule does not encourage current PPC holders to act diligently to receive their temporary conditional operating authority. Therefore, the proposed amended rule requires additional revision.

The amended Section 13(d), as currently proposed, permits any person who received a PPC within 365 days of the effective date of the new rule to apply for temporary conditional operating authority. NABER suggests that Section 13(d) be further revised to require current PPC holders to apply for temporary conditional operating authority within 60 days of the effective date of these new rules. Arguably, if temporary authority is important to a PPC holder, they would want to act quickly. And, once the 60 day "amnesty" period is over, the FCC would then be able to focus solely on current exam takers.

IV. Conclusion

NABER supports an amendment of Part 13 of the Commission's Rules to provide temporary conditional operating authority for Commercial Radio Operator License applicants. The Commission should act expeditiously on these matters inasmuch as implementation of the proposal will conserve the Commission's resources and provide economic benefit to many job applicants in the communications industry.

Respectfully submitted,

**NATIONAL ASSOCIATION OF BUSINESS
AND EDUCATIONAL RADIO**

By: _____



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August 31, 1994